

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

RANDY MILLS

v.

RICKY BELL, WARDEN

No. 1:05-00083  
JUDGE HAYNES

JOINT MOTION FOR A STATUS CONFERENCE

Come the parties, by Motion, requesting that the Court set a time on Wednesday, March 26, 2008, for a brief Status Conference in the referenced matter. Both counsel are available at anytime convenient to the Court.

This matter is set for an Evidentiary Hearing at 11:00 a.m. on Friday, March 28, 2008, on Petitioner's Brady claim based on DNA evidence. It would be necessary for counsel for the Defendant to bring his expert here from California to testify at the hearing. He must depart at 6:00 a.m. on Thursday, March 27, 2008.

Previously, counsel for the parties, working together with the local police department, that the TBI and the local District Attorney, had traced the path of the evidence at issue. Counsel made a trip to Lewisburg, Marshall County, Tennessee to review the matter with the District Attorney, the current police officers in charge of the evidence vault and to examine the evidence vault. Counsel were not able to locate the evidence. The procedures in place in 1999 when the State case in question took place, did not include an evidence log but only an entry log to the police vault. The current officers had opened all of the rape kits in the entire vault multiple times and did not find the kits related to Mr. Mills' case.

That evidence has now been located and can be retested. On Monday, March 24, 2008, Andrew Smith, the Assistant Attorney General handling the case for the State, located the physical evidence at the Circuit Court Clerk's Office in Lewisburg where it had been taken to the Courthouse for trial, according to the State Technical Record, but never introduced into evidence.

*OK'd in  
Thurs 3/27/08  
at 6:00 AM  
The conference  
is set  
March  
26, 2008  
at 3:30  
PM  
J. Haynes  
3-25-08*